REMARKS

The Examiner requires election, pursuant to 35 U.S.C. § 121, of one of the following inventions: Group I including claims 1, 2, and 4 allegedly drawn to a method for performing route lookups, classified in class 709, subclass 238; Group II including claims 6 and 7 allegedly drawn to a system for processing packet information for routing packets, classified in class 709, subclass 223; Group III including claims 13-18 allegedly drawn to a device for performing route computations and updating the routing information, classified in class 709, subclass 242; and Group IV including claims 9-12 and 19-23 allegedly drawn to performing concurrent route lookups by a plurality of processing engines by monitoring processing states of the processing engines, classified in class 709, subclass 224. (Restriction Requirement, para. 2).

In support of the restriction, the Examiner asserts that the inventions categorized in Groups I-IV are related as "subcombinations" disclosed as usable together in a single combination, and that the subcombinations are distinct from each other as allegedly being "separately usable" (Restriction Requirement, para. 3). Particularly, the Examiner alleges that Group I has separate utility such as performing route lookups for a plurality of data received via a network; Group II has separate utility such as computer network managing; Group III has separate utility such as updating routing information for received data; and Group IV has separate utility such as computer network monitoring (Restriction Requirement, para. 3). For at least the following reasons, Applicants respectfully traverse the restriction requirement.

M.P.E.P. § 803 provides that two criteria must be met for properly requiring restriction among patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) imposition of a <u>serious burden</u> on the Examiner should the restriction not be required. Applicants submit that neither of the criterion have been satisfied with respect to the instant restriction requirement and thus the restriction requirement is improper.

With respect to the first criterion, Applicants respectfully disagree with the Examiner's characterization of claims of Groups I-IV as distinct based on the alleged "separate utility" of the claims. Initially, Applicants respectfully submit that the descriptive categories of utility devised by the Examiner cannot themselves be reasonably distinguished. For example, Applicants note that "computer network managing" (claim Group II) and "computer network monitoring" (claim Group IV) cannot be reasonably construed as being distinct under M.P.E.P § 803.

Moreover, Applicants note that claims in each of the claim groups, while differing in scope, recite features that are similar to features recited in claims in one or more of the other claim groups. For example, claim 1 (Group I) is directed to a method that includes processing, by a processor, first data to generate routing information for the first data, until it is anticipated that first information is needed to continue the processing of the first data, wherein a first partial processing result or a first process state is obtained for the first data. Similarly, claim 6 (Group II) is directed to a method that includes processing, by a processor, first data related to routing of a first received packet; determining that additional information associated with the first data will be needed to complete the

processing; and discontinuing, based on the determination, the processing of the first data to form intermediate processing information. Claim 1 further recites causing, by the processor, a storing of first context state information corresponding to the first partial processing result or the first process state. Similarly, claim 6 further recites storing, by the processor, the intermediate processing information related to the processing of the first data. Claim 1 further recites requesting, by the processor, the first information from an agent associated with the processor. Similarly, claim 6 further recites requesting, by the processor, the additional information from an agent associated with the processor. Claim 1 further recites processing, by the processor, second data before the requested first information is received from the agent to generate routing information for the second data, until it is anticipated that second information is needed to continue the processing of the second data, wherein a second partial processing result or a second process state is obtained for the second data. Similarly, claim 6 further recites processing, by the processor, second data related to routing of a second received packet while waiting for the requested additional information from the agent.

Similar correspondence can be drawn between other features of claims 1 and 6, between features recited in claims dependent from claims 1 and 6, as well as among features recited in claims of the various claim Groups. Therefore, Applicants respectfully submit that the restriction requirement with respect to at least the claims in Groups I and II should be reconsidered and withdrawn.

Assuming, however, for the sake of argument, that the first criterion could reasonably be construed to be satisfied, Applicants respectfully submit that the instant restriction requirement nevertheless does not satisfy the second criterion. Specifically, a showing has not been made, and the Examiner does not allege, that all of the claims cannot be searched and examined without serious burden. Applicants note that claims from at least three (i.e., Groups I-III) and, arguably all four, of the groups identified by the Examiner were substantially part of the application as originally filed. The Examiner has already searched and examined the subject matter of all four claim groups on three previous occasions in connection with three separate Office Actions.

Thus, it is inconceivable that that any further searching and examining on the part of the Examiner would pose a serious burden. In fact, it is unreasonable for the Examiner, at this stage in the prosecution of the present application, to issue a restriction requirement involving claimed subject matter that substantially appeared in the original application after thrice searching, examining, and issuing Office Actions.

Because the Examiner has not shown that a serious burden would result from further searching and examining the claims in Groups I-IV, restriction is improper.

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the restriction requirement.

In the event that the Examiner, after considering the discussion above, still believes that election with respect to claims 1, 2, 4, 6, 7, and 9-23 is required, Applicants

respectfully submit that the claims of Groups I and II should be combined into a single group including claims 1, 2, 4, 6, and 7.

However, Applicants provisionally elect the claims of Group IV (claims 9-12 and 19-23) for examination with traverse.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Garth D. Richmond/
      Garth D. Richmond
      Reg. No. 43,044

Date: December 4, 2006

11350 Random Hills Road
Suite 600
Fairfax, VA 22030
Telephone: (571) 432-0800
Facsimile: (571) 432-0808